<u>REMARKS</u>

This application has been carefully reviewed in light of the Office Action dated July 16, 2003. Claims 1 to 10 remain pending in the application, of which Claims 1, 4, 5 and 8 to 10 are independent. Reconsideration and favorable review are respectfully requested.

Claims 1, 4, 5 and 8 to 10 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,006,260 (Barrick), and Claims 2, 3, 6 and 7 were rejected under 35 U.S.C. § 103(a) over Barrick and U.S. Patent No. 6,278,449 (Sugiarto). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention concerns transmission by a server to a terminal of either requested data or a predicted end time for the generation of the requested data together with display information indicating that the generation of the data is in progress. According to the invention, when the server receives a request for data loading from the terminal, it either transmits the requested data to the terminal, or generates a predicted end time when the generation will be completed and transmits the predicted end time to the terminal. In the latter case, the terminal can re-issue the request for the data once the predicted time has lapsed. As a result, the terminal can avoid continuously re-issuing a request for the data and instead can wait until the predicted amount of time has lapsed, thereby reducing the amount of load on the network communication channel between the server and the terminal.

With specific reference to the claims, amended independent Claim 1 is a data processing method performed by a server for providing data to a terminal via a network, the method comprising the steps of a reception step of receiving a request for data

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loading from the terminal, a completion discrimination step of discriminating whether a generation of requested data has completed or is in progress of being generated, a first transmission step of transmitting to the terminal the requested data if the generation thereof has completed, a prediction step of predicting an end time of the generation of the requested data if the generation thereof is in progress, and a second transmission step of transmitting to the terminal during the generation of the requested data the predicted end time together with display information indicating that the data generation is in progress.

Amended independent Claims 5 and 9 are apparatus and computer storage medium claims, respectively, that substantially correspond to Claim 1.

Amended independent Claim 4 includes features along the lines of Claim 1, but is directed to the terminal side. Thus, Claim 4 is a data processing method performed by a terminal for receiving data from a server via a network, the method comprising the steps of an issuing step of issuing a request for data loading to the server, a reception step of receiving from the server in response to the request either the requested data, or a predicted end time for generation of the requested data together with display data indicating that the data generation is in progress, a display step of displaying the requested data or displaying the display data received from the server indicating that the data generation is in progress, a data discriminating step of discriminating whether the received data is the requested data or is the predicted end time for generation of the requested data together with the display data, and a re-issuing step of, in a case where the received data comprises the predicted end time for generation of the requested data, re-issuing the request for data loading to the server when the predicted end time is reached.

Amended independent Claims 8 and 10 are apparatus and computer storage

medium claims, respectively, that substantially correspond to Claim 4.

The applied art, alone or on any permissible combination, is not seen to disclose or to suggest the features of the present invention. More particularly, with regard to Claims 1, 5 and 9, the applied art is not seen to disclose or to suggest at least the feature of a server predicting an end time of the generation of requested data if the requested data is in progress of being generated, and the server transmitting, during generation of the data, to a terminal that requested the data the predicted end time together with display information indicating that the data generation is in progress. With regard to Claims 4, 8 and 10, the applied art is not seen to disclose or to suggest at least the feature of a terminal that requests data from a server receiving from the server in response to the request either the requested data, or a predicted end time for generation of the requested data together with display data indicating that the data generation is in progress, and in a case where the received data comprises the predicted end time for generation of the requested data, the terminal re-issuing the request for data loading to the server when the predicted end time is reached.

Barrick is merely seen to disclose measuring a download timing for a web page, where the time period is measured from the time when a browser agent 106 in a user machine 102 transmits a request to a web server 104 to the time when the browser agent 106 receives the requested web page. The measured download timing of the web page is then reported to a relay server 110. (See Barrick, col. 2, lines 18 to 35, col. 4, line 60 to col. 5, line 6 and col. 7, line 51 to col. 8, line 46.) Clearly, a measured timing is different from a predicted time when data generation will be complete, and one can't be equated with the other. Moreover, the measured timing is only transmitted to the relay server after the downloading of the requested data (the web page) has completed. Thus, Barrick fails to

disclose a server that transmits a predicted time for generating requested data to a terminal during generation of the data, or a terminal that receives the predicted time from the server and re-issues a request for data loading when the predicted time has lapsed. Accordingly, Barrick is not seen to disclose or to suggest the features of the present invention.

Sugiarto is merely seen to describe the a desktop computer 9 selecting a compression ratio or font size of a configuration file to be downloaded, estimating the time required for downloading on the basis of the selected compression ratio or font size, and displaying them on the user's desktop computer 9. Thus, Sugariarto is somewhat like Barrick in that is involves download time rather than data generation time. However, unlike Barrick which transmits the measures and transmits the time after the download operation, Sugiarto predicts the download time and transmits the predicted time before the download operation and before any data is generated. This is also different from the present invention in which the predicted time is generated while the data generation is in progress and transmits the predicted time during the data generation. Moreover, nothing has been found in Sugiarto in which a request for data is re-issued after the predicted time expires. Thus, Sugiarto is not seen to disclose or to suggest the features of the present invention.

Additionally, Applicant submits that a combination of Barrick and Sugiarto would not have resulted in the present invention. In this regard, it is believed that the proposed combination would be inoperative for their respective intended purposes since Barrick issues a request for a web page, immediately begins downloading the page, and measures the time from the issuance of the request until the completion of the downloading. On the other hand, Sugiarto predicts a download time and transmits the

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download time before the downloading process begins. Thus, incorporation of the delay

due to the predicted download time of Sugiarto would result in a delay in the

commencement of downloading the web page of Barrick, thereby defeating the purpose of

Barrick in measuring the download time for the web page and providing the measured time

to the relay server for use in evaluating connection performance. Accordingly, Applicant

submits that the proposed combination fails to set forth a prima facie case of obviousness

since the combination would render the cited art inoperative for its intended purpose.

Therefore, for at least the foregoing reasons, Claims 1, 4, 5 and 8 to 10 are

believed to be in condition for allowance.

No other matters having been raised, the entire application is believed to be

in condition for allowance and such action is respectfully requested at the Examiner's

earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa,

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Respectfully submitted,

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